

PROVIDING FOR CONSIDERATION OF H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

MAY 25 (legislative day, MAY 24), 2005.—Referred to the House Calendar and ordered to be printed

Mr. COLE of Oklahoma, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 293]

The Committee on Rules, having had under consideration House Resolution 293, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Armed Services.

The rule makes in order only those amendments printed in this report and amendments en bloc as described in section 3 of the resolution. The rule provides that amendments will be considered only in the order specified in this report (except as specified in section 4 of the resolution), may be offered only by a Member designated in this report, shall be debatable for the time specified in this report, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of fur-

ther debate on any pending amendment), shall be considered as read, and shall not be subject to a demand for division of the question. The rule waives all points of order against amendments printed in this report.

The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in this report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

The rule authorizes the Chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of, which shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question in the House or the Committee of the Whole.

The rule provides that during consideration of the bill under this resolution or by a subsequent order of the House that after a motion that the Committee rise or after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order includes a waiver of clause 4 of Rule XXI, prohibiting appropriations on legislative bills; and a waiver of section 303 of the Congressional Budget Act, prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 61

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Slaughter.

Summary of Motion: To strike section 6 of the resolution.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 62

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Slaughter.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Skelton which strikes section 574, relating to ground combat and other exclusion policies that impact the assignment of women in the Armed Forces, and requires the Secretary of Defense to conduct a review of the role of women in the Armed Forces and submit the report not later than one year after the date of enactment.

Results: Defeated 4 to 8.

Vote by Member: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 63

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Slaughter.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Waxman which prevents contractors with a conflict of interest from assisting in the oversight of other contractors. Prohibits the awarding of “monopoly contracts,” i.e. very large contracts for an unspecified number of goods or services to a single contractor. Requires the submission to Congress of reports on overcharges of more than a million dollars by contractors.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 64

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Slaughter.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Taylor of Mississippi which provides members of the Selected Reserve access to the military’s TRICARE health care program on a permanent basis for the duration of their service.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 65

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Slaughter.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Slaughter which directs the Base Closure and Realignment Commission to consider the homeland security contributions and value of each military installation on the Department of Defense's BRAC list.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 66

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. McGovern.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Tierney which establishes a select committee to study, among other things, the bidding, contracting, and auditing standards in the issuance of government contracts to conduct activities in Iraq and Afghanistan; the oversight procedures and forms of payment and safeguards against money laundering; the accountability of contractors and government officials involved in procurement; and the allocation of contracts to foreign companies and small businesses.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 67

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. McGovern.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Salazar which allows eligible beneficiaries to receive both Dependency and Indemnity Compensation payments from the Department of Veterans Affairs and annuity payments from the Survivor Benefit Plan for the Department of Defense.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 68

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. McGovern.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Markey which prohibits DoD from transferring or rendering person to countries that practice torture, including barring the use of diplomatic assurances as the basis for such transfers.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 69

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. McGovern.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Sanders which amends Section 608 to shorten the period of deployment required before a mobilized reserve component member would be eligible for income replacement payments. The new length of deployment would be three months consecutively or five months during a 60 month period.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 70

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. McGovern.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Conyers which establishes a commission, "The Commission to Investigate Whether There Was a Secret Agreement by the Summer of 2002 to Invade Iraq", tasked with determining, among other things, whether the Bush Administration forged an agreement with foreign nations to invade Iraq two months before force was authorized by the U.S. Congress, whether there was an effort to create an ultimatum about weapons inspectors in order to create a legal justification for war, and whether U.S. and Britain officials undertook a coordinated effort to manipulate intelligence and facts in order to justify the invasion of Iraq. Composed of eight members, the Commission will hold hearings and issue a report to Congress no later than six months after the appointment of the last Commissioner.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay;

Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 71

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. Hastings of Florida.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Schiff which requires the Secretary of Defense to provide to Congress a report on the status of each detainee held at Guantanamo Bay, Cuba.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 72

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. Hastings of Florida.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Velazquez which allows DoD to set annual goals for small business participation above the level of 40% in the construction, refuse management, architectural and engineering, non-nuclear ship repair, landscaping and pest control industries.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 73

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. Hastings of Florida.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Spratt which adds \$80 million to DoD and DoE nonproliferation programs to secure and dispose of vulnerable nuclear material. Offset by modest decreases to future silo construction of ground-based missile defense over and above missiles already scheduled for deployment.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 74

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mr. Hastings of Florida.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Tauscher which mandates that within 15 days of receipt, the SecDef shall transmit reports on detainee abuse that the Pentagon receives, to the Armed Services and International Relations Committees in a classified manner.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 75

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Matsui.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Marshall which ends the Disabled Veterans Tax.

Results: Defeated 4 to 8.

Vote by Members: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 76

Date: May 24, 2005.

Measure: H.R. 1815, National Defense Authorization Act for Fiscal Year 2006.

Motion by: Mrs. Matsui.

Summary of Motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Shays which allows service women who are victims of rape or incest to obtain publicly funded abortion services.

Results: Defeated 4 to 8.

Vote by Member: Diaz-Balart—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by the amendment sponsor.)

1. Hunter: Amends 5 USC 2108(1) to extend veteran's preference to individuals who served on active duty in the armed forces for a period of more than 180 consecutive days between 9/11/01 and the end of Operation Iraqi Freedom and who were discharged under honorable conditions. Also modifies section 574, relating to ground

combat and other exclusion policies that impact the assignment of women in the Armed Forces. Adds \$10 million for supersonic cruise missile engines. Establishes a memorial to the U.S.S. Oklahoma. (10 minutes).

2. Ortiz: Directs the Secretary to submit to the congressional defense committees a sustainment plan by December 31, 2005, for the existing MHC-51 class mine countermeasures ships that are to be eventually replaced by the Littoral Combat ship and other mine countermeasures systems. (10 minutes).

3. Kaptur: Requires the Department of Defense to conduct a study on the use of bio-diesel and ethanol fuels by the Armed Forces and Defense Agencies. Includes a review of the last five years, a forecast of usage for each of fiscal years 2007 to 2012 and assessments of the future commercial capabilities. (10 minutes).

4. Stark: Instructs the GAO to submit a report to Congress on criminal violations in military recruiting practices, including DoD policies that may contribute to violations, evaluation of any internal investigations, and recommended legislative or administrative remedies. (10 minutes).

5. Strickland: Adds "information concerning the availability of mental health services" to what is already required to be communicated in benefit counseling sessions to those in the armed forces who are separating from active duty. (10 minutes).

6. Stearns: Expresses the sense of Congress that any college or university that denies equal access or discriminate against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs. Requires the Secretary of Defense to issue a report to Congress on the college and universities that are denying equal access to military recruiters and ROTC programs. (10 minutes).

7. Simmons: Lifts the age 60 requirement for Space-A travel by National Guard and Reserve retirees. (10 minutes).

8. Slaughter: Authorizes \$25 million annually for training and resources for the DoD to better respond to incidences of sexual assault. Requires the Secretary of Defense to assess the availability and accessibility within assigned or deployed units of trained personnel, rape evidence kits, testing supplies for sexually transmitted infections (STI's) and diseases, including HIV, and for pregnancy, transportation resources, and medication within 30 days of enactment of this bill. Also requires the Secretary to develop and implement a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. (10 minutes).

9. Reichert: Requires GAO to study the difficulties faced by our National Guard and Reserve Personnel in gaining re-employment once returning from duty. The report will also identify the size and nature of the employers. (10 minutes).

10. Filner: Requires a study to determine if it is feasible for DoD to allow veterans with a service connected disability rating of 50 percent or higher access to Space-A travel. (10 minutes).

11. Menendez: Requires the GAO to prepare a report on compensation and benefits for reserve component members. (10 minutes).

12. Davis (CA)/Harman: Lifts the current ban on privately funded abortions at U.S. military facilities overseas. (30 minutes).

13. DeLauro: Requires the DoD to revise its mental health evaluations for pre- and post-deployment of servicemembers to combat theaters. Servicemembers returning from combat would be required to receive a combat stress evaluation from a mental health professional. Also requires the DoD to implement a mental-health awareness program aimed at reducing the stigma associated with mental health care within the Armed Services. (10 minutes).

14. Bishop (GA): Requires a study of effectiveness of self administered pre- and post-deployment exams, within 120 days of enactment. (10 minutes).

15. Manzullo: Codifies the content requirements of the Buy American Act as stated in Defense Federal Acquisition Regulations Supplement (Part 225). (10 minutes).

16. Andrews: Requires the DoD to include a provision in their contracts with all defense contractors prohibiting them from requiring licenses and fees from businesses that manufacture, distribute, or sell models and model kits. (10 minutes).

17. Blunt/Kirk: Requires DoD to establish the employment of National Guard and Reserve Personnel as an evaluation factor in the awarding of defense contracts. (10 minutes).

18. Simmons: Encourages the DoD to buy Lithium-Ion cells and batteries, and associated manufacturing technologies that are made in America. (10 minutes).

19. Hoekstra: Clarifies the source of funding for the rapid acquisition of intelligence capabilities. Adds the Permanent Select Committee on Intelligence of the House of Representatives in the notification. (10 minutes).

20. Goode: Authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions. (30 minutes).

21. Crowley: Sense of Congress that recognizes the diversity of the men and women of our Armed Services killed in Operation Iraqi Freedom and Operation Enduring Freedom, and honors their sacrifices and the sacrifices of their families. (10 minutes).

22. Matheson: Prohibits DoD from destroying historical fallout records. Directs the Department to identify, preserve, and publish information contained in these records. (10 minutes).

23. Hostettler: Amends the Immigration and Nationality Act to admit Afghan and Iraqi nationals who serve U.S. forces as interpreters for at least 12 months and have a recommendation of the first General or Flag officer in the chain of command. (20 minutes).

24. Davis, Jo Ann: Clarifies federal law regarding support for youth organizations (including the Boy Scouts of America) by the federal government. Removes doubt that DoD may welcome Scouts to hold meetings and go camping on federal property. Specifically, the Department of Defense would have to provide a minimum level of support that it provided in the previous four fiscal years. The support is defined as holding meetings, camping events, or other activities on defense property and hosting any official event of the youth organization. (30 minutes).

25. Israel: Makes permanent the pilot "Science, Mathematics, and Research for Transformation (SMART) Defense Education Pro-

gram” and include within its purview the study of foreign languages. (10 minutes).

26. Woolsey: Expresses the sense of Congress that the President should develop a plan for the withdrawal of U.S. military forces from Iraq, and submit this plan to the congressional defense committees. (30 minutes).

27. Weldon (PA): Expresses the sense of Congress that the United States should cooperate with Russia on missile defense. Cites two specific examples of possible avenues of cooperation: (1) testing specific elements of the Missile Defense Agency’s detection and tracking equipment through the use of Russian target missiles; and (2) providing early warning radar to the Missile Defense Agency by using Russian radar data. (10 minutes).

28. Spratt: Adds war-related reporting requirements for tracking costs, military personnel force levels, reconstitution requirements, and military construction projects associated with operations in Iraq and Afghanistan, and enhanced security operations at home. (10 minutes).

29. Bradley: Postpones the BRAC recommendations until one year after the last of these actions occurs: the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense, a substantial number of American troops return from Iraq, the House and Senate Armed Services Committees receive the quadrennial defense review, the National Maritime Security Strategy is implemented, and the Homeland Defense and Civil Support directive is implemented. (60 minutes).

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, line 1, insert “, to the extent provided in advance in appropriations Acts,” after “shall”.

Page 58, after line 15, insert the following new section:

SEC. 228. FUNDING FOR SUPERSONIC CRUISE MISSILE ENGINE QUALIFICATION.

(a) IN GENERAL.—The amount in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by \$10,000,000, to be available for supersonic cruise missile engine qualification, program element 0603216F, project 4921.

(b) OFFSET.—The amount in section 104 for procurement, Defense-wide, is hereby reduced by \$10,000,000, to be derived from the chemical demilitarization program.

Strike section 574 (page 188, line 21, through page 194, line 11) and insert the following:

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

“§ 652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned

“(a) RULE FOR GROUND COMBAT PERSONNEL POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2)(A) or (2)(B) to the ground combat exclusion policy or proposes to make a change described in paragraph (2)(C), the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

“(2) A change referred to in paragraph (1) is a change that—

“(A) closes to female members of the armed forces any category of unit or position that at that time is open to service by such members;

“(B) opens to service by female members of the armed forces any category of unit or position that at that time is closed to service by such members; or

“(C) opens or closes to the assignment of female members of the armed forces any military career designator as described in paragraph (6).

“(3) The Secretary shall include in any report under paragraph (1)—

“(A) a detailed description of, and justification for, the proposed change; and

“(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

“(4) In this subsection, the term ‘ground combat exclusion policy’ means the military personnel policies of the Department of Defense and the military departments, as in effect on October 1, 1994, by which female members of the armed forces are restricted from assignment to units and positions below brigade level whose primary mission is to engage in direct combat on the ground.

“(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.

“(6) For purposes of this subsection, a military career designator is one that is related to military operations on the ground as of May 18, 2005, and applies—

“(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

“(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

“(b) OTHER PERSONNEL POLICY CHANGES.—(1) Except in a case covered by section 6035 of this title or by subsection (a), whenever the Secretary of Defense proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall,

not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

“(2) Paragraph (1) applies to a proposed military personnel policy change, other than a policy change covered by subsection (a), that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

“(A) Any type of unit not covered by subsection (a).

“(B) Any class of combat vessel.

“(C) Any type of combat platform.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

“652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned.”.

(b) **REPORT ON IMPLEMENTATION OF DEPARTMENT OF DEFENSE POLICIES WITH REGARD TO THE ASSIGNMENT OF WOMEN.**—Not later than March 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report of the Secretary’s review of the current and future implementation of the policy regarding the assignment of women as articulated in the Secretary of Defense memorandum, dated January 13, 1994, and entitled, “Direct Ground Combat Definition and Assignment Rule”. In conducting that review, the Secretary shall closely examine Army unit modularization efforts, and associated personnel assignment policies, to ensure their compliance with the Department of Defense policy articulated in the January 1994 memorandum.

(c) **CONFORMING REPEAL.**—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

In section 825(d) (page 325, line 22), insert after “Defense” the following: “for the Joint Military Intelligence Program or Tactical Intelligence and Related Activities”.

In section 825(e) (page 325, line 24), insert after “committees” the following: “and the Permanent Select Committee on Intelligence of the House of Representatives”.

At the end of subtitle B of title X (page 365, after line 19), insert the following new section:

SEC. 1017. ESTABLISHMENT OF MEMORIAL TO U.S.S. OKLAHOMA.

(a) **IDENTIFICATION OF SITE FOR MEMORIAL.**—The Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for the location of a memorial to the U.S.S. Oklahoma, which was sunk during the attack on Pearl Harbor on December 7, 1941.

(b) **ESTABLISHMENT AND ADMINISTRATION.**—After the site for the memorial is identified under subsection (a), the Secretary of the Interior shall establish and administer a memorial to the U.S.S. Oklahoma as part of the USS Arizona National Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to lands administered by the National Park Service.

(c) **MEMORIALIZATION PLAN.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a memorialization plan for the portion of Pearl Harbor where United States naval vessels were attacked on December 7, 1941. The Secretary of the Navy shall prepare the plan in consultation with the Secretary of the Interior.

At the end of title XI (page 411, after line 5), insert the following new section:

SEC. 1108. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) **DEFINITION OF VETERAN.**—Section 2108(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by adding “or” after the semicolon; and

(3) by inserting after subparagraph (C) the following:

“(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;”.

(b) **CONFORMING AMENDMENT.**—Section 2108(3)(B) of such title is amended by striking “paragraph (1)(B) or (C)” and inserting “paragraph (1)(B), (C), or (D)”.

Redesignate titles I through VIII of division B as titles XXI through XXVIII, respectively.

2. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ORTIZ OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 45, line 18, insert “(a) **IN GENERAL.**—” before “Section 216”.
Page 47, after line 6, insert the following:

(b) **SUSTAINMENT PLAN.**—Not later than December 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a plan for sustaining the MHC–51 class mine countermeasures ships and supporting dedicated mine countermeasures systems until the Littoral Combat Ship and next-generation mine countermeasures systems are deployed and capable of assuming the mission of the MHC–51 class mine countermeasures ships.

3. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KAPTUR OF OHIO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle B of title III (page 70, after line 11), insert the following new section:

SEC. ____ . STUDY ON USE OF BIODIESEL AND ETHANOL FUEL.

(a) **IN GENERAL.**—The Secretary of Defense shall conduct a study on the use of biodiesel and ethanol fuel by the Armed Forces and the Defense Agencies and any measures that can be taken to increase such use.

(b) **ELEMENTS.**—The study shall include—

(1) a review and assessment of potential requirements for increased use of biodiesel and ethanol fuel within the Department of Defense and research and development efforts required to meet those increased requirements;

(2) based on the review in subparagraph (1), a forecast of the requirements of the Armed Forces and the Defense Agencies for biodiesel and ethanol fuels for each of fiscal years 2007 through 2012;

(3) an assessment of the current and future commercial availability of biodiesel and ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

(4) a review of the actions of the Department of Defense to coordinate with State, local, and private entities to support the expansion and use of alternative fuel refueling stations that are accessible to the public; and

(5) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted for the delivery of biodiesel and ethanol fuel.

(c) **REPORT.**—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) The term “ethanol fuel” means fuel that is 85 percent ethyl alcohol.

(2) The term “biodiesel” means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of title 42, United States Code.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STARK OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 1), insert the following new section:

SEC. 5xx. COMPTROLLER GENERAL STUDY OF MILITARY RECRUITING.

(a) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on military recruiting.

(b) **MATTERS TO BE INCLUDED.**—The Comptroller General shall include in the report the following:

(1) Whether military recruitment criminal violations have increased in any branches of the Armed Forces since the beginning of combat in Iraq.

(2) Whether policies of the Department of Defense or of any of the specific military branches have caused or encouraged military recruiters to carry out criminal actions to increase recruitment numbers.

(3) Whether the Department of Justice, Department of Defense, or specific military branches have adequately and independently carried out investigations and prosecutions of all De-

partment of Defense officials who are complicit or directly involved in criminal actions to increase military recruitment.

(4) Any recommendations for any legislation or administrative actions that the Comptroller General considers appropriate.

(5) Any other matter the Comptroller General considers relevant.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STRICKLAND OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. ADDITION OF INFORMATION CONCERNING MENTAL HEALTH SERVICES AND TREATMENT TO SUBJECTS REQUIRED TO BE COVERED IN MANDATORY PRESEPARATION COUNSELING.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 6XX. SENSE OF CONGRESS THAT COLLEGES AND UNIVERSITIES GIVE EQUAL ACCESS TO MILITARY RECRUITERS AND ROTC IN ACCORDANCE WITH THE SOLOMON AMENDMENT AND REQUIREMENT FOR REPORT TO CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Reserve Officer Training Corps (ROTC) program is the most common means for undergraduates to become United States military officers, producing 60 percent of all officers in the Armed Forces and 75 percent of Army officers.

(2) The ROTC program is officially banned from many leading universities and, although students at those institutions can participate in ROTC programs at other colleges, they often have to travel significant distances to do so.

(3) The United States is engaged in a global war on terrorism, and it is thus more important than ever for the Armed Forces to recruit high quality and well-qualified personnel.

(4) Recruiting on university campuses is one of the primary means of obtaining new, highly qualified personnel for the Armed Forces and is an integral, effective, and necessary part of overall military recruitment.

(5) In 1996, Congress enacted a provision of law that has become known as the “Solomon Amendment” that provides for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibit or prevent ROTC or military recruitment on campus.

(6) A group of university law schools have challenged the constitutionality of the Solomon Amendment, and the Supreme Court has agreed to hear the case in the term beginning in October 2005.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any college or university that discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs; and

(2) universities and colleges that receive Federal funds should provide military recruiters access to college campuses and to college students equal in quality and scope to that provided all other employers.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the colleges and universities that are denying equal access to military recruiters and ROTC programs.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMMONS OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 11), add the following new section:

SEC. 575. ELIGIBILITY OF CERTAIN PERSONS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY OF “GRAY AREA” RETIREES AND SPOUSES.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

“§ 2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses

“(a) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

“(b) DEPENDENTS.—The dependent of a member or former member under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title, shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

“2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. IMPROVEMENT TO DEPARTMENT OF DEFENSE RESPONSE TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) **ASSESSMENT.**—The Secretary of Defense shall conduct an inventory of supplies, trained personnel, and transportation resources assigned or deployed to deal with sexual assault. The Secretary shall assess the availability and accessibility within deployed units of rape evidence kits, testing supplies for sexually transmitted infections and diseases (STIs), including HIV, and for pregnancy, transportation resources, and medication. The assessment shall be completed not later than 120 days after the date of the enactment of this Act.

(b) **ACTION PLAN FOR DEPLOYED UNITS.**—The Secretary shall develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. Such plan shall include the following:

(1) Training of new and existing first responders to sexual assaults, including criminal investigators, medical providers responsible for rape kit evidence collection, and victims advocates, with such training to include current techniques on processing of evidence, including rape kits, and conducting investigations.

(2) Accessibility and availability of supplies for victims of sexual assault who present at a military hospital, including rape kits, equipment for processing rape kits, and testing supplies and treatment for sexually transmitted infections and diseases, including HIV, and pregnancy.

(c) **ANNUAL REPORT.**—The Secretary shall include in the annual report to the Committees on Armed Services of the Senate and House of Representatives on sexual assaults a report as to the supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources in response to sexual assault in deployed units.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REICHERT OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 575. REPORT ON EMPLOYMENT MATTERS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) **REQUIREMENT FOR REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on difficulties faced by members of the National Guard and Reserve with respect to employment as a result of being ordered to perform full time National Guard duty or being ordered to active duty service, respectively.

(b) **SPECIFIC MATTERS.**—In preparing the report required under subsection (a), the Comptroller General shall include information on the following matters

(1) **TYPE OF EMPLOYERS.**—An estimate of the number of employers of members of the National Guard and Reserve who are private sector employers and those who are public sector employers.

(2) **SIZE OF EMPLOYERS.**—An estimate of the number of employers of members of the National Guard and Reserve who employ fewer than 50 full-time employees.

(3) **SELF-EMPLOYED.**—An estimate of the number of members of the National Guard and Reserve who are self-employed.

(4) **NATURE OF BUSINESS.**—A description of the nature of the business of employers of members of the National Guard and Reserve.

(5) **REEMPLOYMENT DIFFICULTIES.**—A description of difficulties faced by members of the National Guard and Reserve in gaining reemployment after having performed full time National Guard duty or active duty service, including difficulties faced by members who are disabled and who are Veterans of the Vietnam Era.

10. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FILNER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VI (page 279, after line 6), add the following new section:

SEC. ____ . REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for any veteran with a service-connected disability rating of 50 percent or higher. The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

11. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENENDEZ OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VI (page 279, after line 6), add the following new section:

SEC. 677. COMPTROLLER GENERAL REPORT REGARDING COMPENSATION AND BENEFITS FOR RESERVE COMPONENT MEMBERS.

(a) **REPORT REQUIRED.**—The Comptroller General shall prepare a report reviewing the terms and elements of reserve compensation, benefit, and personnel support programs, including the retirement system.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall address at a minimum the following:

(1) The effectiveness and adequacy of compensation and benefit programs, income protection for members of the reserve

components called to active duty, family support programs, health care access, and other programs of interest to such members.

(2) The need for these programs to be improved, including such recommendations as the Comptroller General considers appropriate for achieving needed improvements.

(3) A comparison of these programs to similar programs conducted for the benefit of regular forces to determine if the reserve programs are fair and equitable given the increased contributions by reserve component forces to the defense of the United States.

(4) An examination of the differences in benefits and protections provided to reservists who are called to serve under different authorities, including title 10, United States Code, title 32, United States Code, and State active duty.

(5) The need for benefits and protections to be made consistent regardless of the authority under which members of the reserve components are called to serve, including such recommendations as the Comptroller General considers appropriate for achieving that objective.

(c) **RELATIONSHIP TO OTHER STUDIES AND REPORTS.**—To the extent that an issue required to be addressed by subsection (b) is also the subject of other studies or reports being prepared by the Comptroller General, the Comptroller General may drop the issue from this report to avoid duplication of effort.

(d) **SUBMISSION OF REPORT.**—The Comptroller General shall submit the report to the congressional defense committees not later than March 31, 2006.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 30 MINUTES

Add at the end of title VII the following new section:

SEC. 7 ____ . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting “in the United States” after “Defense”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (page 297, after line 26), insert the following new section:

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) **PROGRAM.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) **MATTERS COVERED.**—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) TOLL-FREE NUMBER.—In carrying out this section, the Secretary of Defense shall establish a toll-free informational telephone number and website devoted to helping members of the Armed Forces and their dependents recognize, and locate treatment providers for, post-traumatic stress disorder and other forms of combat stress.

(d) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(e) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall ensure that the program developed under subsection (a) is made available in foreign languages if necessary to aid comprehension among persons to be helped by the program.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (page 297, after line 26), add the following new section:

SEC. 718. STUDY RELATING TO PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMS OF CERTAIN MEMBERS OF THE ARMED FORCES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study of the effectiveness of self-administered surveys included in predeployment and postdeployment medical exams of members of the Armed Forces that are carried out as part of the medical tracking system required under section 1074f of title 10, United States Code.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), with respect to any manufactured end product procured by the Department of Defense—

(1) the end product shall be manufactured in the United States; and

(2) the cost of components of the end product that are mined, produced, or manufactured inside the United States shall ex-

ceed 50 percent of the cost of all components of the end product.

(b) AGREEMENT DESCRIBED.—An agreement referred to in subsection (a) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUNT OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VIII (page 321, after line 7), add the following new section:

SEC. 818. ESTABLISHMENT OF EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) DEFENSE CONTRACTS.—In awarding any contract for the procurement of goods or services, the Department of Defense, when considering source selection criteria, shall use as an evaluation factor whether entities intend to carry out the contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces.

(b) DOCUMENTATION OF SELECTED RESERVE-RELATED EVALUATION FACTOR.—Any entity claiming intent to carry out a contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces shall be required to document to the Department of Defense the number (and names, if requested) of such members of the Selected Reserve that the entity will employ, or execute personal services contracts with, for the contract in question.

(c) NATIONAL SECURITY WAIVER.—The Secretary of the military department concerned, or, in the case of contracts which are not negotiated by a military department, the Secretary of Defense, may waive the requirement in subsection (a) with respect to a contract if the Secretary concerned determines that the waiver is necessary for reasons of national security.

(d) REGULATIONS.—The Federal Acquisition Regulation shall be revised as necessary to implement this section.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMMONS OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VIII (page 321, after line 3), add the following new section:

SEC. 818. DOMESTIC SOURCE RESTRICTION FOR LITHIUM ION CELLS AND BATTERIES.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) LITHIUM ION CELLS AND BATTERIES.—Lithium ion cells and batteries and manufacturing technology for lithium ion cells and batteries. ”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOEKSTRA OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 825(d) (page 325, line 22), insert after “Defense” the following: “for the Joint Military Intelligence Program or Tactical Intelligence and Related Activities”.

In section 825(e) (page 325, line 24), insert after “committees” the following: “and the Permanent Select Committee on Intelligence of the House of Representatives”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODE OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of subtitle D of title X (page 372, after line 8), add the following new section:

SEC. 1035. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons

of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Secretary of Homeland Security; and

“(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES KILLED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND HONORING THEIR SACRIFICES AND THE SACRIFICES OF THEIR FAMILIES.

(a) FINDINGS.—Congress finds the following:

(1) Over 1,500 members of the United States Armed Forces have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom came from diverse ethnic backgrounds.

(3) All of these members of the Armed Forces lost their lives defending the cause of freedom, democracy, and liberty.

(4) Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty.

(5) The Armed Forces are representative of the diverse culture and backgrounds that make the United States a great nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) recognize and celebrate the diversity of the Armed Forces; and

(2) recognize and honor the sacrifices being made by the diverse members of the Armed Forces and their families in the war against terrorism.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MATHE-SON OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 402, after line 22), insert the following new section:

SEC. 10xx. PRESERVATION OF INFORMATION AND RECORDS PERTAINING TO RADIOACTIVE FALLOUT.

(a) PROHIBITION OF DESTRUCTION OF CERTAIN DOCUMENTS.—The Secretary of Defense may not destroy any document in the custody or control of the Department of Defense that is a historical record (or part of a historical record) relating to radioactive fallout from the testing of any nuclear device.

(b) PRESERVATION AND PUBLICATION OF INFORMATION.—The Secretary of Defense shall identify, preserve, and publish information contained in documents referred to in subsection (a).

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HOSTETTLER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 20
MINUTES

At the end of title X (page 402, after line 22), insert the following new section:

**SEC. ____ . SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS
TRANSLATORS WITH UNITED STATES ARMED FORCES.**

(a) **IN GENERAL.**—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) **ALIENS DESCRIBED.**—

(1) **PRINCIPAL ALIENS.**—An alien is described in this subsection if the alien—

(A) is a national of Iraq or Afghanistan;

(B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;

(C) obtained a favorable written recommendation from the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

(D) prior to filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

(2) **SPOUSES AND CHILDREN.**—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

(c) **NUMERICAL LIMITATIONS.**—

(1) **IN GENERAL.**—The total number of principal aliens who may be provided special immigrant status under this section during any fiscal year shall not exceed 50.

(2) **COUNTING AGAINST SPECIAL IMMIGRANT CAP.**—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

(d) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—The definitions in subsections (a) and (b) of section 101 of

the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JO ANN DAVIS OF VIRGINIA, OR HER DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR YOUTH ORGANIZATIONS, INCLUDING THE BOY SCOUTS OF AMERICA.

(a) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit the Department of Defense from providing any form of support described in subsection (b) to a youth organization (including the Boy Scouts of America and any group officially affiliated with the Boy Scouts of America) described in part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years that would result in the Department of Defense providing less support to that youth organization than was provided by the Department of Defense during each of the preceding four fiscal years.

(b) TYPES OF SUPPORT.—Support referred to in subsection (a) includes—

- (1) holding meetings, camping events, or other activities on defense property; and
- (2) hosting any official event of the youth organization.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISRAEL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 409, line 9, strike “**SCHOLARSHIP**” and insert “**EDUCATION**”.

Page 409, line 18, strike “and”.

Page 409, after line 19, insert:

- (C) by inserting “foreign languages,” after “engineering,”; and

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOOLSEY OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. 1223. WITHDRAWAL OF UNITED STATES ARMED FORCES FROM IRAQ.

It is the sense of Congress that the President should—

- (1) develop a plan as soon as practicable after the date of the enactment of this Act to provide for the withdrawal of United States Armed Forces from Iraq; and
 - (2) transmit to the congressional defense committees a report that contains the plan described in paragraph (1).
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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and non-traditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. WAR-RELATED REPORTING REQUIREMENTS.

(a) **REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.**—The Secretary of Defense shall submit to Congress, in accordance with this section, war-related reports on costs, military personnel force levels, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) **COSTS.**—

(1) **COSTS.**—Each report prepared under subsection (a) shall specify, for each operation named in that subsection, for each fiscal year beginning with fiscal year 2001, the following:

(A) The initial planned allocation of budget authority, by funding source and appropriation account.

(B) The amount of budget authority made available through reported and below-threshold funding transfers, categorized by account and type of expense.

(C) A monthly obligation plan for the year, by appropriation account.

(D) Amounts of obligations and outlays, by appropriation account and type of expense.

(2) SUBMISSION REQUIREMENTS.—The Secretary of Defense shall submit the initial report, which shall document cost data for each fiscal year beginning with fiscal year 2001 through fiscal year 2005, no later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit cost reports monthly, no later than 45 days after the end of each reporting month.

(c) MILITARY PERSONNEL FORCE LEVELS.—

(1) MILITARY PERSONNEL FORCE LEVELS.—Each report prepared under subsection (a) shall specify the following:

(A) The number of military personnel supporting Operation Iraqi Freedom and Operation Enduring Freedom by component (active and reserve).

(B) The number of Guard and reserve personnel backfilling in the United States or elsewhere, training up, or demobilizing in support of Iraqi Freedom or Operation Enduring Freedom each month from September 2001 to the present.

(C) The number of Guard and reserve activations by service, for each of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Noble Eagle, starting with 2002, and including the number of personnel activated once, twice, and three times in the previous four years in support of those operations.

(D) The number of active-duty personnel who have deployed once, twice, and three times in support of Operation Enduring Freedom and Operation Iraqi Freedom in the previous four years.

(E) The number of personnel by primary occupational skill for reservist-component personnel who were activated more than once and active-duty personnel who were deployed more than once in support of those operations.

(2) SUBMISSION REQUIREMENTS.—The first report required by paragraph (1) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit reports monthly updating personnel information no later than 45 days after the end of each reporting month.

(d) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180

days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(e) **MILITARY CONSTRUCTION.**—

(1) **MILITARY CONSTRUCTION.**—The report prepared under subsection (a) shall identify all funded military construction projects, including temporary projects funded with operations and maintenance funds, in the Iraq and Afghanistan theaters of operations in each fiscal year beginning with 2003. For each such project, the report shall identify the funding amount, purpose, location, and whether the project is for a temporary or permanent structure. The report shall also identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operations Iraq Freedom and Enduring Freedom are supported.

(2) **SUBMISSION REQUIREMENTS.**—The report shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRADLEY OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 60 MINUTES

At the end of subtitle C of title XXVIII, insert the following new section:

SEC. 28 ____ . POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) **POSTPONEMENT.**—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–09510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

“SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

“(a) **IN GENERAL.**—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the ‘postponed closure round year’).

“(b) **ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.**—(1) The actions referred to in subsection (a) are the following actions:

“(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

“(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

“(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

“(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

“(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

“(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

“(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

“(ii) the return of the major combat units and assets described in subparagraph (B);

“(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

“(iv) the National Maritime Security Strategy; and

“(v) the Homeland Defense and Civil Support directive.

“(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

“(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years that the postponed closure round year is after 2005.”.

(b) INEFFECTIVENESS OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.—Effective as of the date of the enactment of this Act, any list of military installations recommended for closure or realignment submitted to Congress pursuant to section 2914 of the Defense Base Closure and Realignment Act of 1990 shall have no further force and effect.